

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

In the Advisory Action, claims 8-12 and 38-42 were rejected. In the present response, claim 8 was amended to change the sequence identity for SEQ ID NO:2 from at least 85% to at least 98%. Claims 8, 9, and 42 were amended to delete SEQ ID NO:8 from the claims. Applicants retain the right to file further divisional applications to the deleted subject matter and the right to establish the patentability thereof.

Thus, claims 8-12 and 38-42 are pending. No new matter was added.

### ***Rejections Under 35 U.S.C. § 102(e)***

Claims 8-12 and 38-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tanner *et al.* (U.S. Patent Publication No. 2003/0119043). Applicants respectfully traverse these rejections.

Applicants amended claim 8 to cover isolated polypeptides encoded by an isolated nucleic acid fragment having a sequence identity with SEQ ID NO:2 of at least 98%. Applicants have deleted SEQ ID NO:8 from claims 8, 9, and 42. Applicants thus respectfully submit that claims 8-12 and 38-42 of the present application are allowable over Tanner *et al.* or any of the cumulative references cited by the Examiner.

### ***Summary***

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 501447 (Potter Anderson & Corroon LLP).

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Respectfully submitted,

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